

REMARKS

Claims 1 to 8, 15, 17 to 23 and 25 to 36 are pending this application of which claims 1, 3, 5, 15, 23 and 31 to 36 are the independent claims. Favorable reconsideration and further examination are respectfully requested.

Claims 1, 2, 15, 19 to 23, 27 to 30, 33 and 34 were rejected under 35. U.S.C. § 102(e) over U.S. Patent No. 6,035,209 (Tiedmann) in view of U.S. Patent No. 6,337,988 (Agin); claims 17, 18, 25 and 26 were rejected under 35 U.S.C. § 103(a) over Tiedmann in view of U.S. Patent No. 6,128,476 (Fujita); claims 3 and 4 were rejected under 35 U.S.C. § 103(a) over Tiedmann; and claims 5 to 8, 31, 32, 35, and 36 were rejected under § 103(a) over Tiedmann in view of U.S. Patent No. 5,487,174 (Persson).

On October 1, 2004, the examiner, attorney for the assignee Mr. Paul Pysher, and the undersigned conducted a telephonic interview to discuss the foregoing rejections. The Examiner agreed to withdraw the Agin reference provided that Applicants file a certified translation of the original German priority document. Applicants are in the process of obtaining a certification verifying the accuracy of our translated German priority document and will supply it shortly. Accordingly, Applicants respectfully request the Agin reference to be withdrawn.

Independent claim 1 is directed to a method of controlling power in a radio communication system having a radio interface between a first radio station and a second radio station. The method includes receiving a transmission from the second radio station at the first radio station and determining a transmission power correction instruction that corresponds to a transmission power of the second radio station. The transmission power correction instruction

corresponds to a variable power adjustment increment that is adjustable in a subscriber-dependent manner and a time-dependent manner. The method also includes transmitting the transmission power correction instruction to the second radio station during a transmission of the first radio station, and adjusting the transmission power of the second radio station according to the transmission power correction instruction. The variable power adjustment increment is temporarily increased after an end of an interruption of transmission between the first radio station and the second radio station.

As explained during the interview, Tiedmann is not understood to disclose or suggest the foregoing features of claim 1. In particular, Tiedmann is not understood to disclose or to suggest that a variable power adjustment increment is temporarily increased after an end of an interruption of transmission between the first radio station and the second radio station, as set forth in claim 1. In fact, Examiner acknowledges, on page 3 of the Office Action, that

[Tiedmann] does not teach the variable power adjustment increment is temporarily increased after an end of an interruption of transmission between the first radio station and the second radio station.

The Agin reference was cited to make up for the foregoing deficiency of claim 1. However, since the Agin reference is to be removed, Applicants submit that the art does not now show the foregoing features of claim 1. Accordingly, claim 1 is believed to be allowable.

Independent claims 15, 23, 33 and 34 contain features similar to those noted above for claim 1, and are believed to be allowable for at least the same reasons noted above.

Independent claim 3 is directed to a method of controlling power in a radio communication system having a radio interface between a first radio station and a second radio station. The method includes receiving transmissions of the second radio station at the first radio station and determining a transmission power correction instruction that corresponds to a transmission power of the second radio station. The transmission power correction instruction corresponds to a variable power adjustment increment. The method also includes evaluating, over time, a condition of transmission between the first radio station and the second radio station. The condition of transmission comprises a speed of movement of the first radio station or the second radio station. The method further includes transmitting the transmission power correction instruction to the second radio station during a transmission of the first radio station and adjusting the transmission power of the second radio station according to the transmission power correction instruction. The variable power adjustment increment is greater in a medium range of speed than in a high range of speed.

The applied art is not understood to disclose or suggest the foregoing features of claim 3. In particular, Tiedmann does not disclose or suggest that the variable power adjustment increment is greater in a medium range of speed than in a high range of speed.

Specifically, Tiedmann describes a power adjustment increment that depends on a speed of movement between a first station and a second station; however, it does not disclose or suggest how the power increment variable is based on speed. Moreover, as discussed during the interview, Applicants note that having the variable power adjustment be greater in a medium range of speed would not have been obvious, particularly since a higher range of speed often

results in a greater signal distortion. For at least these reasons, Applicants believe that claim 3 is allowable.

Independent claim 5 is directed a method of controlling power in a radio communication system having a radio interface between a first radio station and a second radio station. The method includes receiving transmissions of the second radio station at the first radio station and determining a transmission power correction instruction that corresponds to a transmission power of the second radio station. The transmission power correction instruction corresponds to a variable power adjustment increment. The method also includes evaluating, over time, a condition of transmission between the first radio station and the second radio station. The condition of transmission includes one or more of a number of transmitting antennas and a number of receiving antennas used to establish communication between the first radio station and the second radio station. The method further includes transmitting the transmission power correction instruction to the second radio station during a transmission of the first radio station and adjusting the transmission power of the second radio station according to the transmission power correction instruction. The variable power adjustment increment varies in accordance with at least one of the number of transmitting antennas and the number of receiving antennas.

The applied art is not understood to disclose or suggest the foregoing features of claim 5. In particular, neither Tiedmann nor Persson discloses or suggests that a variable power adjustment increment that varies in accordance with at least one of the *number* of transmitting antennas and the *number* of receiving antennas.

In fact, Examiner acknowledges, on page 3 of the Office Action, that

[Tiedmann] does not teach the condition of transmission comprises one or more of a number of transmitting antennas and a number of receiving antennas used to establish communication between the first radio station and the second radio station.

Examiner argues that Persson supplies the missing feature. As discussed during the interview, Applicants respectfully disagree.

In this regard, the Persson reference is directed to a method for handling a bidirectional connection involving a mobile station in a cellular mobile radio communication system. A mobile switching center (MSC) is responsible for controlling the radio signal output power for the mobile station. Specifically, the MSC “compares the estimated strength of radio signals from *a mobile station* received by *the base station*... with at least one desired signal strength or target value.” Col. 10, lines 40-44 (emphasis added). Although Persson discloses a plurality of base stations, only a single base station is being compared each time. Persson does not disclose or suggest comparing the signal strength against the “*number* of transmitting antennas and the *number* of receiving antennas,” as recited in claim 5 (emphasis added). Accordingly, Applicants believe that claim 5 is allowable.

Independent claims 31, 32, 35 and 36 contain features similar to those noted above for claim 5, and are believed to be allowable for at least the same reasons noted above with respect to claim 5.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-368-2158.

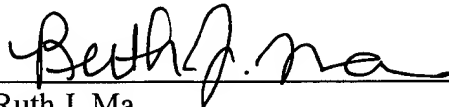
Please apply any fees or credits due in this case, which are not already covered by check, to Deposit Account 06-1050 referencing Attorney Docket No. 12758-024001.

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Respectfully submitted,

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